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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/041,979	03/13/1998	RAJENDRA S. YAVATKAR	42390.P4264	4173

7590 02/25/2004

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ART UNIT	PAPER NUMBER
2667	

DATE MAILED: 02/25/2004

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 27

Application Number: 09/041,979
Filing Date: March 13, 1998
Appellant(s): YAVATKAR ET AL.

Mark L. Watson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/8/03.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 1-33 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,461,611	Drake, Jr.; et al.	10-1995
5,963,547	O'Neil et al.	10-1999

(10) Grounds of Rejection

Claims 1-6, 10-12, 14-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Drake, Jr.; et al. (US 5,461,611).

Regarding claims 1, 20, 26, 28, Drake, Jr.; et al. discloses a management system for local area networks comprising the following features: a storage medium having stored therein a plurality of programming instructions (Figs. 4-10, column 15, lines 41-46) executable by a processor, wherein when executed, the programming instructions implement a multi-media call application that effectuate quality of service (QOS) guaranty for a packet based multi-media call (CALL) through call associated individual media stream bandwidth control.

Regarding claims 2, 21, Drake, Jr.; et al. discloses the following features: the programming instructions (Figs. 4-10) determine if a sub-net bandwidth manager SBM (Fig. 1, REF 20) that manages network bandwidth is connected to a local area network (Fig. 1, REF 17) LAN through which the CALL is conducted, and if the SBM is connected to the LAN, register the CALL (Fig. 4, REF 62) with the SBM and reserve with the SBM bandwidth for subsequent allocation to media streams of the CALL (Fig. 5).

Regarding claims 3, 23, Drake, Jr.; et al. discloses the following features: the programming instructions (column 15, lines 39-45) make the determination, registration and bandwidth reservation for subsequent allocation to media streams of the CALL as an integral part of establishing a connection for the CALL (Figs. 4-6).

Regarding claims 4, 31, Drake, Jr.; et al. discloses the following features: the programming instructions (column 15, lines 39-45) further subsequently cause the SBM to allocate the reserved bandwidth for the CALL to individual media streams of the CALL (Figs. 4-6).

Regarding claim 5, 24, 32, the programming instructions (column 15, lines 39-45) invoke a bandwidth reservation service to request the SBM to allocate the reserved bandwidth for the CALL to individual ones of the media streams of the CALL, providing call level information to the bandwidth reservation service to enable the bandwidth reservation service to include the call level information in the requests for the SBM. See column 4, lines 53-56, and Figs. 4-11.

Regarding claim 6, 25, 27, Drake, Jr.; et al. discloses the following features: the programming instructions (column 15, lines 39-45) invoke the bandwidth reservation service to request the SBM to allocate a portion of the reserved bandwidth for the CALL to an individual media stream of the CALL while establishing an individual channel for the individual media stream during the CALL. See column 2, lines 37-41 and lines 50-54.

Regarding claim 10, Drake, Jr.; et al. discloses the following features: A storage medium having stored therein a plurality of programming instructions executable by a processor, wherein when executed, the programming instructions implementing a bandwidth reservation service that requests a sub-net bandwidth manager SBM to allocate a portion of reserved bandwidth for a packet based multi-media call CALL to an individual media stream of the CALL, providing the SBM with call level information to allow the SBM to associate the individual media stream of the CALL with the reserved bandwidth of the CALL, the SBM managing network bandwidth of

a local area network LAN through which the CALL is conducted. Figs. 4-10, column 15, lines 41-46.

Regarding clam 11, Drake, Jr.; et al. discloses the following features: wherein the programming instructions request the SBM to allocate a portion the reserved bandwidth of the CALL to the individual media stream of the CALL while establishing an individual channel for the individual media stream during the CALL. See column 2, lines 37-41 and lines 50-54.

Regarding claim 12, Drake, Jr.; et al. discloses the following features: the programming instructions are integral part of an operating system. See column 15, lines 39-46.

Regarding claim 14, Drake, Jr.; et al. discloses the following features: (a) a multi-media call application first reserving bandwidth for media streams of a packet based multi-media call (CALL) at a call level with a sub-net bandwidth manager (SBM) that manages network bandwidth of a local area network (LAN) through which the CALL is to be conducted; and (b) the multi-media call application subsequently causing the SBM to allocate the reserved bandwidth for the CALL to individual media streams of the CALL, causing call level information to be provided to the SBM to enable the SBM to associate the individual media streams of the CALL with the reserved bandwidth of the CALL. See Figs. 4-10, column 15, lines 41-46

Regarding claim 15, Drake, Jr.; et al. discloses the following features: (a) is performed as an integral part of the multi-media call application establishing a connection for the CALL. See column 15, lines 39-46.

Regarding claim 16, Drake, Jr.; et al. discloses the following features: wherein (b) comprises the multi-media call application invoking a bandwidth reservation service to request

the SBM to allocate the reserved bandwidth for the CALL to the individual media streams of the CALL, providing the bandwidth reservation service with call level information for inclusion in the requests to enable the SBM to associate the individual media streams of the CALL with the CALL. See Figs. 4-10.

Regarding claim 17, Drake, Jr.; et al. discloses the following features: wherein (b) is performed on a per individual media stream basis as an integral part of establishing an individual channel (Fig. 7, REF 132) for the individual media stream.

Regarding claim 18, Drake, Jr.; et al. discloses the following features: further comprises (c) the multi-media, call application determining if a call level admission control gatekeeper (Fig. 1, REF 20, 23) is connected to the LAN (Fig. 1, REF 17) while establishing connection for the CALL.

Regarding claim 19, Drake, Jr.; et al. discloses the following features: if the call level admission control gatekeeper is connected to the LAN, (c) further comprises the multi-media application registering (Fig. 4) the CALL with the call level admission control gatekeeper in a manner that causes the gatekeeper to determine whether to admit (Fig. 5, REF 98, 999, 100) the CALL into the LAN without taking into consideration bandwidth requirement of the CALL.

Regarding claim 29, Drake, Jr.; et al. discloses the following features: a first client computer (Fig. 1, REF 10); a medium (Fig. 1, REF 20) coupled to the first client; and a second client computer (Fig. 1, REF 29), coupled to the medium, that effectuates quality of service QOS guaranty for a packet based multi-media call CALL to the first client computer through call associated individual media stream bandwidth control.

Regarding claim 30, Drake, Jr.; et al. discloses the following features: a subnet bandwidth manager SBM (Fig. 1, REF 23), coupled to the medium, that manages the bandwidth of the network.

Regarding claim 33, Drake, Jr.; et al. discloses the following features: a gateway (Fig. 2, REF 31) coupled to the medium; a gatekeeper (Fig. 1, REF 23) coupled to the medium; and a router (Fig. 1, REF 21, 22) coupled to the medium.

Claims 7-9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Drake, Jr.; et al. (US 5,461,611) in view of O'Neil et al. (US 5,963,547).

Drake, Jr.; et al. further discloses a management system for local area networks comprising the following features: regarding claim 8, wherein the programming instructions further determine if a call level admission control gatekeeper (Fig. 2, REF 20, 23) is connected to a local area network LAN through which the CALL is to be conducted, and if the call level admission control gatekeeper is connected to the LAN (Fig. 1, REF 17), register (Fig. 4, REF 62, 63, 64) the CALL with the call level admission control gatekeeper, the registration (Fig. 4) being made in a manner that causes the call level admission control gatekeeper to determine (Fig. 5) whether to admit (Fig. 5, REF 98, 99, 100) the CALL into the LAN without taking into consideration bandwidth requirement of the CALL; regarding claim 9, wherein the programming instructions make the determination and conditional registration as an integral part of establishing a connection for the call. Drake, Jr.; et al. does not disclose the features of: regarding claims 7 and 13, the CALL is an ITU-T H.323 compatible video conference call. O'Neil et al. discloses a centralized conferencing apparatus comprising the following features: the CALL is an ITU-T H.323 compatible video conference call. See column 1, lines 32-46,

column 6, lines 22-61. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Drake, Jr.; et al. by using the features, as taught by O'Neil et al., in order to provide an efficient data communication by taking advantage of all the call placement, progress, and termination functions in the well known H.323 protocol.

(11) Response to Argument

On page 8, last paragraph, Appellant argues that Drake, Jr.; et al. does not disclose effecting a QOS guarantee through call associated individual stream bandwidth control. On page 9, first paragraph, Appellant further argues that Drake, Jr.; et al. does not disclose individual stream bandwidth control; Drake, Jr.; et al. only discloses various attributes; each of these attributes deal with aggregate bandwidths allocated to multiple reserved QoS data streams running through a bridge. Examiner respectfully disagrees with these arguments. The system disclosed by Drake, Jr.; et al. is for insure adequate QoS for each requested data stream. As can be seen on column 2, lines 37-41; column 4, lines 34-36, **a** requested multi-media data stream is determined for QoS (emphasis added). The above argued various attributes in Drake, Jr.; et al. are used for determining bandwidth control for a particular data stream with a unique StreamID. Also referred by Appellant, on column 7, lines 48-49, it specifically states that StreamID is an identifier that identifies this QoS reserved end-to-end data stream; in other words, bandwidth control is being performed on each individual data stream having a unique StreamID. As described by another example depicted in Fig. 7 of Drake, Jr.; et al., an individual data stream among existing data streams in the transmission path requests a new bandwidth allocation; and QoS is implemented on the individual data stream after examining and identifying the StreamID

depicted in Box 132 of Fig. 7. See column 12, line 35 to column 13, line7. Therefore, it is respectfully submitted that Drake, Jr.; et al. does anticipate the claimed invention.

On page 12, second paragraph, Appellant argues that nowhere in Drake, Jr.; et al. is there disclosed a sub-net bandwidth manager or equivalent that manages network bandwidth that is connected to a local area network LAN. Examiner respectfully disagrees with these arguments. Drake, Jr.; et al. discloses the followings: a sub-net bandwidth manager SBM (Fig. 1, REF 20) manages network bandwidth that is connected to a local area network (Fig. 1, REF 17). See column 4, lines 27-57. Therefore, it is respectfully submitted that Drake, Jr.; et al. does anticipate the claimed invention.

On page 13, second paragraph and third paragraph, Appellant argues that O'Neil et al. or the combination of Drake, Jr.; et al. and O'Neil et al. do not disclose or suggest programming instructions implement a multi-media call application that effectuate QoS guaranty for a packet based multi-media call through call associated individual media stream bandwidth control; O'Neil et al. does not disclose a sub-net bandwidth manager that manages network bandwidth that is connected to a LAN. Examiner respectfully disagrees with these arguments. The argued features are indeed disclosed by the reference of Drake, Jr.; et al. Drake, Jr.; et al. discloses the followings: the programming instructions (Figs. 4-10, column 15, lines 39-45) implement a multi-media call application that effectuate QOS for each individual data media stream bandwidth control, and a sub-net bandwidth manager SBM (Fig. 1, REF 20) that manages network bandwidth is connected to a local area network (Fig. 1, REF 17) LAN through which the multi-media call is conducted between source station 10 and target station 20 in Fig. 1. Moreover, O'Neil et al. discloses the limitations recited in claims 7 and 13, as described above.

Therefore, it is respectfully submitted that the combined reference of Drake, Jr.; et al. and O'Neil et al. would have been obvious to arrive the claimed invention.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

KWANG BIN YAO
PRIMARY EXAMINER

Kwang B. Yao
February 19, 2004

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